

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:24-CV-00685-M-KS

RONALD HUGH HUTTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
U.S DEPARTMENT OF VETERANS	)	
AFFAIRS, et al.,	)	
	)	
Defendants.	)	
	)	

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This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Kimberly A. Swank in this case on January 14, 2025 [DE 9]. In the Recommendation, Judge Swank recommends that the court deny Plaintiff’s application to proceed in forma pauperis, deny Plaintiff’s motion to seal the case, and dismiss this action for failure to prosecute. DE 9 at 1-2. The Recommendation, along with instructions and a deadline for filing objections, was served on the Plaintiff on January 14. *See id.* at 3. Plaintiff did not object to the Recommendation. *See* Docket Entries dated January 14, 2025, to present.

A magistrate judge’s recommendation carries no presumptive weight. *See United States ex rel. Wheeler v. Acadia Healthcare Co., Inc.*, 127 F.4th 472, 486 (4th Cir. 2025). The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). “The Federal Magistrates Act only requires district courts to ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” *Osmon v. United States*, 66 F.4th 144, 146 (4th Cir. 2023) (quoting 28 U.S.C. §

636(b)(1)). And “a party’s objection to a magistrate judge’s report [must] be specific and particularized.” *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007). This is a low bar, particularly when the plaintiff is pro se. *Elijah v. Dunbar*, 66 F.4th 454, 460 (4th Cir. 2023); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). But absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation of Judge Swank [DE 9] as its own. For the reasons stated therein, Plaintiff’s application to proceed in forma pauperis [DE 2] is DENIED, Plaintiff’s motion to seal the case [DE 1] is DENIED, and this action is DISMISSED for failure to prosecute.

SO ORDERED this 19<sup>th</sup> day of March, 2025.



RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE